

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-13 and 22 are cancelled. Claims 14-21 and 23-25 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, the Examiner objected to claim 20. The claim has been amended to correct the informality.

Turning now to the art rejection, claims 14-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sako (Publication No. WO 00/334947 published in English as European Patent Application No. EP 1076332 A1). Claim 22 is cancelled. Applicant submits that the remaining claims are patentably distinguishable over the Sako reference.

Claim 14 defines a method for reproducing data from a recording medium that includes:

selecting, based on the determined type, reproduction of the first data and the second data read from the recording medium as two independent audio information items, multi-channel audio information items, an audio information item with text data or an audio information item with image data; and reproducing the first data and the second data read from the recording medium based on said selecting step. (Emphasis added).

The Sako reference, by contrast, is concerned with 20 bit length audio data in which the upper 16 bits are recorded in a known manner and the lower 4 bits are recorded by the displacement of the pit from its normal position. Though the reference describes that it is possible to reproduce the recorded data as a displacement of a pit and outputted independently of the reproduction data from the optical disk (paragraph [0054]), the information stored in the displacement

of the pits is merely *the lower 4 bits of the 20 bit audio data* and thus is *not independent of* the upper 16 bits of audio data.

It follows that the Sako publication does not disclose or suggest the method defined in claim 14 and therefore does not anticipate the claim.

Claims 15-18 depend from claim 14 and are distinguishable over Sako for at least the same reasons.

Independent claim 19 defines an apparatus for reproducing data that includes:

a control section configured to determine a type of recording medium from the read reproduction-mode identification data when the read identification data indicates that the second data is recorded on the recording medium, to cause said selecting section to select, based on the determined type, reproduction of the first data and the second data read from the recording medium *as two independent audio information items, multi-channel audio information items, an audio information item with text data or an audio information item with image data*, and to cause the signal-reproducing section to reproduce the first data and the second data based on the selection carried out by said selecting section. (Emphasis added).

Claim 19 is therefore patentably distinguishable over Sako for at least the same reasons set out above regarding claim 14.

Claims 21 and 23-25 depend from claim 19 and, for at least the same reasons, are distinguishable over the cited reference.

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-

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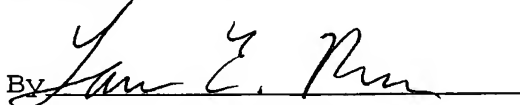
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5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: April 17, 2006

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

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